

### Remarks

The present amendment is in response to the action mailed in the above-referenced case on May 8, 2003. Claims 1-14 are presented for examination. The Examiner rejects claims 1-7 under 35 U.S.C. 112, first paragraph. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph. Claims 8-14 are provisionally rejected under 35 U.S.C. 101. Claims 1-14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending application No. 09/333,218 in view of Chow et al. (US 5,999,528).

Applicant has carefully studied the Examiner's rejections, objections and statements of the Office Action. In response applicant herein provides a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the double patenting rejections. Applicant herein amends claim 1 to positively recite: "the number of interface units is less than the switching data communication links in each switch plane...", and provides clear disclosure in the specification to overcome the 35 U.S.C. 112, first paragraph rejection. Applicant herein amends claims 1 and 8 to remove the language objected to by the Examiner.

The Examiner requests support in applicant's specification for the claim language in claim 1; "if the number of data ports in the interface units is less than the number of switching data communication links in each switch plane,..." Claim 1, as amended, now reads "interface units" instead of "data ports" Fig. 5 of applicant's specification provides a schematic block diagram which illustrates the system of Fig. 3 in which only two interface units 20(1), 20(2) are implemented instead of the four interface units shown in the full implementation of Fig. 3. As shown in Fig. 5, with two interface units implemented, two channels 29 on each of the switch planes 23 are unused. Therefore, in this implementation, one half of the implemented hardware is wasted. In accordance with the invention, the assignment of switch planes to IU ports is reallocated to utilize


unused switch plane channels 29 such that entire switch planes 23 can be eliminated, thus substantially reducing the cost of implementing the system.

Applicant believes that the specification clearly explains this process and supports the claim language of claim 1, as amended. Therefore, in light of the claim amendments and explanation, applicant requests the 112 rejections be withdrawn. A terminal disclaimer is provided to overcome the double patenting rejections.

As all of the claims standing for examination, as amended, have been shown to be patentable over the rejection and objections of the Examiner, applicant respectfully requests reconsideration and that the present case be passed quickly to issue.

Respectfully Submitted,

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